

**REMARKS**

**Formal Matters**

Claims 1-51 remain in this application. Claims 1-33 and 39-42 have been withdrawn as the result of an earlier restriction requirement. Claim 36 is amended. The Examiner has acknowledged that claims 34,35,43-45,48 and 50 are directed to allowable subject matter. No new matter is added by the amendments.

**Sequence Listing**

A Sequence Listing is submitted herewith to replace the one currently on file (submitted September 7, 2001). Applicants have identified a numbering error starting at SEQ ID NO:101 of the listing currently on file, which resulted in inconsistency of the numbers between the listing and the specification as originally filed. More specifically, SEQ ID NOs: 101 and 102 should have been SEQ ID Nos:130 and 131, respectively. The presently submitted Sequence Listing has corrected this error, and the SEQ ID numbers are now in consistence with that described in the specification and claimed as invention.

Applicants further point out that the correct numbering is supported by the specification, and thus does not add new matter. More specifically, supports for the specific sequences with correct SEQ ID numbers can be found, for example, at the following locations within the specification:

SEQ ID Nos 101-116: antibody heavy and light chain variable domain sequences disclosed in Figures 9 and 10;

SEQ ID Nos 117-123: various CDR sequences described on pages 21-23;

SEQ ID Nos 124-129: various CDR sequences described on pages 3-5.

Moreover, a number of sequences with correct SEQ ID Nos were recited in the claims as originally filed, including claims 6,12,13,23 and 24. Entry of the Sequence Listing is respectfully requested.

Amdt dated February 27, 2004

Response to Office Action Mailed on October 28, 2003

Rejection Under 35 U.S.C. § 101

Claims 36-38 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, because claim 36 allegedly does not particularly point out any non-naturally occurring differences between the claimed cells and the structure of cells as they exist naturally.

Claim 36 has been amended to recite “an isolated host cell....” As indicated by the Examiner, the amendment should obviate the rejection and put claims 36-38 in condition for allowance.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 46, 47, 49 and 51 are rejected under 35 U.S.C. § 112, second paragraph because of the numbering error in the sequence listing as discussed above. In light of the new Sequence Listing submitted herewith, claims 46,47,49 and 51 are directed to the appropriate subject matter which the applicants regard as the invention, and are therefore in compliance with 35 U.S.C. § 112, second paragraph.

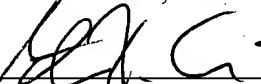
## SUMMARY

In view of the amendment, the new Sequence Listing and the above remarks, applicants submit that claims 34-38 and 43-51 are now in condition for allowance, and respectfully request that a timely Notice of Allowance be issued in this case. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is strongly encouraged to call the undersigned at the number indicated below.

This response/amendment is submitted with a transmittal letter and petition for a one-month extension of time and fees. In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Respectfully submitted,

GENENTECH, INC.

Date: February 27, 2004 By: 

Steven X. Cui  
Reg. No. 44,637  
Telephone No. (650) 225-8674